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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Diana Akins, as successor in interest to
12 Samuel Wynn, Jr.,

13 Plaintiff,

14 v.

15 B. Moss, et al.,

16 Defendants.
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No. 2:21-cv-01317-KJM-DMC

ORDER

18 This court previously adopted the Magistrate Judge's findings and recommendations and
19 granted defendant's motion for judgment on the pleadings. *See* F&Rs, ECF No. 75, *adopted in*
20 *full*, ECF No. 76. Defendants now seek an award of their costs, \$1,069.45 incurred in connection
21 with a deposition. *See* Bill of Costs, ECF No. 78; Mem., ECF No. 78-1. Plaintiff objects to the
22 bill of costs. ECF No. 79.

23 The court declines to award costs based on the limited resources of plaintiff's successor in
24 interest, the absence of any funds in Samuel Wynn, Jr.'s estate, and the potential chilling effect an
25 award of costs would have on similar civil rights actions. *See Ass's of Mexican-Am. Educators v.*
26 *California*, 231 F.3d 572, 591 (9th Cir. 2000) (en banc) (setting forth legal standard and
27 describing district courts' discretion to deny costs award). The court also has considered that

1 defendants obtained judgment on the pleadings and yet seek an award of costs associated with
2 fact discovery, i.e., pretrial litigation beyond the pleadings.

3 IT IS SO ORDERED.

4 DATED: December 5, 2025.

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UNITED STATES DISTRICT JUDGE